LPDES PERMIT NO. LA0000892 (Agency Interest No. 1468)

LPDES FACT SHEET and RATIONALE
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

I. Company/Facility Name: Rubicon LLC
Geismar Facility
Post Office Box 517
Geismar, Louisiana 70734

II. Issuing Office: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Water Permits Division
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

III. Prepared By: Melanie Beard Connor
Industrial Water Permits Section
Water Permits Division
Phone #: (225) 219-3088
Fax #: (225) 219-3309
E-mail: melanie.connor@la.gov

Date Prepared: February 29, 2008

IV. Permit Action/Status:

A. Reason For Permit Action:

Proposed reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.

In order to ease the transition from NPDES to LPDES permits, dual regulatory references are provided where applicable. The LAC references are the legal references while the 40 CFR references are presented for informational purposes only. In most cases, LAC language is based on and is identical to the 40 CFR language. 40 CFR Parts 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903 and will not have dual references. In addition, state standards (LAC 33:IX. Chapter 11) will not have dual references.

LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.

40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.4901, 4903, and 2301.F.

B. LPDES permit: Permit effective date: September 1, 2002
Permit expiration date: August 31, 2007
Permit modification effective date: January 1, 2004
EPA has not retained enforcement authority.

C. LPDES application received on February 16, 2007. Permit application addenda received on July 9, 2007, and October 22, 2007.

V. Facility Information:

A. Location – 9156 Louisiana Highway 75, Geismar, Ascension Parish (Latitude 30°12'06" and Longitude 91°00'43")

B. Applicant Activity -

According to the application, Rubicon LLC, Geismar Facility is a bulk organic chemical manufacturing facility that manufactures a wide variety of products and intermediates which include the following: Aniline, Nitrobenzene, Diaminodiphenylmethane, Diphenylamine, Phosgene, Polyester and Polyether Polyols, Pure and Polymeric Methylene Diphenyl Diisoncyanate, and Hydrochloric Acid. In July of 2005, the facility shutdown their Toluene Diisoncyanate (TDI) Plant.

The facility does not discharge any of its OCPSF related process waters to surface water. All process water and first flush process area stormwater is disposed via an injection well.

C. Technology Basis - (40 CFR Chapter 1, Subchapter N/Parts 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903)

Other sources of technology based limits:

- LDEQ Stormwater Guidance, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6).
- Best Professional Judgement
- Hydrostatic Test Wastewater General Permit (LAG670000)

D. Fee Rate -
1. Fee Rating Facility Type: Major

2. Complexity Type: VI
3. Wastewater Type: III
4. SIC code: 2813, 2865, 2869, 2783

E. Continuous Facility Effluent Flow – 1.31 MGD

VI. Receiving Waters: Mississippi River (Outfalls 001 and 002), and New River via local drainage (Outfalls 003 and 004)

Mississippi River –

A. TSS (15%), mg/L: 32.0 mg/l*
B. Average Hardness, mg/L $CaCO_3$: 153.4 mg/l*
C. Critical Flow, cfs: 141,955 *
D. Mixing Zone Fraction: 1/3 *
E. Harmonic Mean Flow, cfs: 366,748*
F. River Basin: Mississippi River, Segment No.: 070301
G. Designated Uses: primary contact recreation, secondary contact recreation, fish and wildlife propagation, drinking water supply

* Stream data based upon the following: Water Quality Management Plan, Volume 5A, 1994; LAC 33:IX Chapter 11, and from recommendations from the Engineering Section. Hardness and 15% TSS data come from the monitoring station 58010319, located on the Mississippi River.

New River via local drainage –

A. River Basin: Lake Pontchartrain, Segment 040404
B. Designated Uses: primary contact recreation, secondary contact recreation, fish and wildlife propagation

VII. Outfall Information:

Outfall 001

A. Type of wastewater – Continuous discharge of sanitary wastewater (both from Rubicon and Praxair); non-process area stormwater; Praxair process and non-process area stormwater runoff; HCL rail car loading area stormwater runoff; miscellaneous wastewaters (including fire systems test water, eye wash stations, safety showers, steam trap blowdown, compressor condensate, general facility washwater, and previously tested hydrostatic test wastewater), utility wastewaters [including cooling tower blowdown (both from Rubicon and Praxair), RO reject water (from Praxair), and RO regeneration wastewater (from Praxair)]; low

contamination potential post first-flush process area stormwater from Rubicon (*1); and effluent from Outfalls 002, 003 and 004 (*2).

(*1) Post first flush process area stormwater shall be defined as the rainfall runoff subsequent to the first one inch of precipitation to fall on the process area. It is noted that all first flush process area stormwater from Rubicon is deepwell injected along with all process waters.

(*2) Stormwater from the drainage areas for Outfalls 002 and 003 are usually routed to the WEF Pond for discharge to the Mississippi River via Outfall 001. The only time Outfall 002 is sent directly to the Mississippi River is during heavy rainfall events. The only time that Outfall 003 is discharged to New River is during periods of extreme rainfall. On an as needed basis, Outfall 004 may discharge to Outfall 002, which is then either routed to Outfall 001 or directly to the Mississippi River.

B. Location – at the point of discharge at the south end of the plant near the deep well control room prior to combining with the waters of the Mississippi River (Latitude 30°11'56", Longitude 91°00'29").

C. Treatment – Treatment of utility wastewaters consists of:
- mixing
- neutralization
- sedimentation

Treatment of sanitary wastewater consists of:
- activated sludge
- chlorination

D. Flow – Continuous, 1.31 MGD

E. Receiving waters - Mississippi River

F. Basin and segment - Mississippi River Basin, Segment 070301

G. Effluent Data – See Appendix C

Outfall 002

A. Type of wastewater - The intermittent discharge of low contamination potential nonprocess area stormwater runoff, low contamination potential post first-flush process area stormwater(*1), effluent from the Outfall 004 drainage area (as needed), and miscellaneous wastewaters including fire systems test water, eye wash stations, safety showers, steam trap blowdown, compressor condensate, general facility washwater, and previously tested hydrostatic test wastewater

(*1) Post first flush process area stormwater shall be defined as the rainfall runoff subsequent to the first one inch of precipitation to fall on the process area. It is noted that all first flush process area stormwater from Rubicon is deepwell injected along with all process waters.

B. Location – At the point of discharge after the Outfall 002 sump prior to combining with the waters of Outfall 001 or prior to direct discharge to the Mississippi River. (Latitude 30°12'02", Longitude 91°00'22").

C. Treatment - None

D. Flow – Flow varies with rainfall

E. Receiving waters - Mississippi River

F. Basin and segment - Mississippi River Basin, Segment 070301

G. Effluent Data – See Appendix C.

Outfall 003(*1)

A. Type of wastewater - The intermittent discharge of low contamination potential nonprocess area stormwater runoff, low contamination potential post first-flush process area stormwater(*2), and miscellaneous wastewaters including fire systems test water, eye wash stations, safety showers, steam trap blowdown, compressor condensate, general facility washwater, and previously tested hydrostatic test wastewater

(*1) The wastewaters from the drainage area of Outfall 003 are normally routed to the Mississippi River via Outfall 001. The

water is only routed to New River via Outfall 003 during emergency situations (extremely heavy rainfall).

(*2) Post first flush process area stormwater shall be defined as the rainfall runoff subsequent to the first one inch of precipitation to fall on the process area. It is noted that all first flush process area stormwater from Rubicon is deepwell injected along with all process waters.

B. Location – At the point of discharge at the east central side of the plant prior to combining with the waters of Outfall 001 or prior to direct discharge to New River (Latitude 30°12'00", Longitude 91°00'31").

C. Treatment - None

D. Flow – Flow varies with rainfall

E. Receiving waters – New River via local drainage

F. Basin and segment – Lake Pontchartrain Basin, Segment 040404

G. Effluent Data – Outfall 003 is an emergency outfall. No discharge has occurred from this outfall since issuance of the 2002 LPDES permit.

Outfall 004

A. Type of wastewater - The intermittent discharge of low contamination potential nonprocess area stormwater runoff, low contamination potential post first-flush process area stormwater(*1), and miscellaneous wastewaters including fire systems test water, eye wash stations, safety showers, steam trap blowdown, compressor condensate, general facility washwater, and previously tested hydrostatic test wastewater

(*1) Post first flush process area stormwater shall be defined as the rainfall runoff subsequent to the first one inch of precipitation to fall on the process area. It is noted that all first flush process area stormwater from Rubicon is deepwell injected along with all process waters.

B. Location – At the point of discharge at the southeastern portion of the site prior to combining with the waters of New River or prior to being routed to Outfall 002 (on an as needed basis). (Latitude 30°12'07", Longitude 91°00'24").

C. Treatment - None

D. Flow – Flow varies with rainfall

E. Receiving waters – New River via local drainage

F. Basin and segment – Lake Pontchartrain Basin, Segment 040404

G. Effluent Data – See Appendix C

Internal Outfall 102

A. Type of wastewater – Hydrostatic test waters

B. Location – At the point of discharge from the pipe or vessel being tested prior to commingling with other waters

C. Treatment - None

D. Flow – Flow varies

E. Receiving waters - Flow from this internal outfall may be routed to either Final Outfalls 001, 002, 003, or 004, which subsequently discharge to either the Mississippi River or New River

F. Basin and segment - Mississippi River Basin, Segment 070301, or Lake Pontchartrain Basin, Segment 040404

VIII. Proposed Permit Limits and Rationale:

The specific effluent limitations and/or conditions will be found in the draft permit. Development and calculation of permit limits are detailed in the Permit Limit Rationale section below.

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under LAC 33:IX.2707/40 CFR Part 122.44 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

A. CHANGES FROM PREVIOUS PERMIT

1. Provisions have been added in the Part II (Paragraphs J and K), which allow an alternative procedure for continuous monitoring of flow and pH at Outfall 001.

2. Outfall 001 - The biomonitoring dilution series has changed slightly based upon flow information provided in the renewal application.

3. Outfall 001 – The monitoring frequencies for TOC and TRC have been reduced to 1/ 2 months and 1/quarter, respectively

B. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at LAC 33:IX.2707.L.2.b/40 CFR Part 122.44(l)(2)(ii), the draft permit limits are based on either technology-based effluent limits pursuant to LAC 33:IX.2707.A/40 CFR Part 122.44(a) or on state water quality standards and requirements pursuant to LAC 33:IX.2707.D/40 CFR Part 122.44(d), whichever are more stringent.

TECHNOLOGY-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44(a) require technology-based effluent limitations to be placed in LPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgement) in the absence of guidelines, or on a combination of the two. The following is a rationale for the limitations established in the permit.

OUTFALL 001 - Sanitary wastewater; non-process area stormwater; Praxair process and non-process area stormwater runoff; HCL rail car loading area stormwater runoff; miscellaneous wastewaters (including fire systems test water, eye wash stations, safety showers, steam trap blowdown, compressor condensate, general facility washwater, and previously tested hydrostatic test wastewater); utility wastewaters (including cooling tower blowdown, RO reject water, and RO regeneration wastewater); low contamination post first-flush process area stormwater from Rubicon; and effluent from Outfalls 002, 003 and 004

Paramater	Monthly Avg.	Daily Max.	Frequency	Sample Type
Flow-MGD	Report	Report	Continuous	Recorder
pH Range Excursions (Continuous Monitoring), Number of Events >60 Minutes	---	0 (*1)	Continuous	Recorder
pH Range Excursions (Continuous Monitoring), Monthly Total Accumulated Time in Minutes	---	446 (*1)	Continuous	Recorder
pH Minimum/Maximum Values (Standard Units)	Report (Min)	Report (Max)	Continuous	Recorder
BOD_5	120 lbs/day	232 lbs/day	1/week	24-hr. Composite
TSS	224 lbs/day	440 lbs/day	1/week	24-hr. Composite
TOC	388 lbs/day	748 lbs/day	1 / 2 months	24-hr. Composite
TRC	0.5 mg/l	1.0 mg/l	1/quarter	Grab
WHOLE EFFLUENT TOXICITY TESTING				
48-hr. Acute (*2)	---	---	1/year	24 hr. Composite

(*1) The pH shall be within the range of 6.0 – 9.0 standard units at all times subject to continuous monitoring pH range excursion provisions. Where a permittee continuously measures the pH of wastewater as a requirement or option in an LPDES permit, the permittee shall maintain the pH of such wastewater within the range set forth in the permit, except that excursions from the range are permitted, provided:

1. The total time during which the pH values are outside the required range of pH values shall not exceed 446 minutes in any calendar month; and
2. No individual excursion from the range of pH values shall exceed 60 minutes.

(*2) See Section E below

EFFLUENT LIMITATIONS BASIS for Outfall 001:

Flow: The requirement to report flow is based upon LAC 33:IX.2707.I.1.b. and the previous permit.

pH: Requirements are based upon the previous permit and LAC 33:IX.1113.C.1.

BOD, TSS, TOC, and TRC: Limitations are based upon Best Professional Judgement in accordance with the previous permit. See Appendix A for more information on the basis of BOD, TSS, TOC and TRC limitations.

Whole Effluent Toxicity Testing: See Section E below for justification of requirements.

OUTFALL 002 – The intermittent discharge of low contamination potential nonprocess area stormwater runoff, low contamination potential post first-flush process area stormwater, effluent from the Outfall 004 drainage area (as needed), and miscellaneous wastewaters including fire systems test water, eye wash stations, safety showers, steam trap blowdown, compressor condensate, general facility washwater, and previously tested hydrostatic test wastewater

OUTFALL 003 - The intermittent discharge of low contamination potential nonprocess area stormwater runoff, low contamination potential post first-flush process area stormwater, and miscellaneous wastewaters including fire systems test water, eye wash stations, safety showers, steam trap blowdown, compressor condensate, general facility washwater, and previously tested hydrostatic test wastewater

OUTFALL 004 - The intermittent discharge of low contamination potential nonprocess area stormwater runoff, low contamination potential post first-flush process area stormwater, and miscellaneous wastewaters including fire systems test water, eye wash stations, safety showers, steam trap blowdown, compressor condensate, general facility washwater, and previously tested hydrostatic test wastewater

Paramater	Monthly Avg. (mg/l)	Daily Max. (mg/l)	Frequency	Sample Type
Flow-MGD	Report	Report	1/quarter	Estimate
TOC	---	50	1/quarter	Grab
Oil & Grease	---	15	1/quarter	Grab
pH (standard units)	6.0 (min)	9.0 (max)	1/quarter	Grab

EFFLUENT LIMITATIONS BASIS for Outfalls 002, 003 and 004:

Flow: The requirement to report flow is based upon LAC 33:IX.2707.I.1.b. and the previous permit.

TOC and Oil & Grease: Limitations are based upon the previous permit and LDEQ's stormwater guidance [letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)].

pH: Requirements are based upon the previous permit and LAC 33:IX.1113.C.1.

OUTFALL 102 - Hydrostatic test wastewater.

Paramater	Monthly Avg. (mg/l)	Daily Max. (mg/l)	Frequency	Sample Type
Flow-MGD	Report	Report	1/discharge	Estimate
TSS (*1 & 2)	---	90	1/discharge	Grab
Oil & Grease (*2)	---	15	1/discharge	Grab
TOC (*2)	---	50	1/discharge	Grab
Benzene (*2)	---	50 µg/l	1/discharge	Grab
Total BTEX (*2 & 3)	---	250 µg/l	1/discharge	Grab
Total Lead (*2)	---	50 µg/l	1/discharge	Grab
pH (standard units)	6.0 (min)	9.0 (max)	1/discharge	Grab

(*1) The background concentration of Total Suspended Solids (TSS) will be allowed in the discharge if the effluent is being returned to the same water source from which the intake water was obtained. In these cases, the permit limitations will be 90 mg/L plus the concentration of TSS in the intake water. The TSS concentration of the intake water shall be reported on the Discharge Monitoring Report (DMR) along with the concentration of TSS in the effluent.

(*2) Total Organic Carbon (TOC) shall be measured on discharges from vessels which have previously been in service; i.e., those vessels which are not new. Benzene, Total BTEX, and Total Lead shall be measured on discharges from pipe or vessels which have been used for the storage or transportation of liquid or gaseous petroleum hydrocarbons. Accordingly, Flow, TSS, Oil & Grease and pH are the only testing requirements for new pipe or vessels.

(*3) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylene (including ortho-, meta-, and para-xylene) as quantified by the latest approved EPA method at 40 CFR 136.

EFFLUENT LIMITATIONS BASIS for Outfall 102:

Flow: The requirement to report flow is based upon LAC 33:IX.2707.I.1.b. and the previous permit.

TSS, Benzene, Total BTEX, Total Lead and pH: Limitations are based upon the previous permit and the Hydrostatic General Permit (LAG670000)

C. MONITORING FREQUENCIES

All monitoring frequencies are based upon either the previous permit or existing permits for similar discharges. Whole Effluent Toxicity testing frequency is based upon recommendations from the Municipal and General Water Permits Section (see Appendix D).

D. WATER QUALITY-BASED EFFLUENT LIMITATIONS

Technology-based effluent limitations and/or specific analytical results from the permittee's application were screened against state water quality numerical standard based limitations by following guidance procedures established in the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008.

In accordance with 40 CFR 122.44(d)(I)/LAC 33:IX.2707.D.1., the existing discharge was evaluated in accordance with the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008, to determine whether pollutants would be discharged "at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard." Calculations, results, and documentation are given in Appendix B.

The following pollutants received water quality based effluent limits:

None

Minimum quantification levels (MQLs) for state water quality numerical standards-based effluent limitations are set at the values listed in the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008. They are also listed in Part II of the permit.

To further ensure compliance with 40 CFR 122.44(d)(I), whole effluent toxicity testing has been established for Outfall 001 (See Section E below).

E. BIOMONITORING REQUIREMENTS

It has been determined that there may be pollutants present in the effluent which may have the potential to cause toxic conditions in the receiving stream. The State of Louisiana has established a narrative criteria which states, "toxic substances shall not be present in quantities that alone or in combination will be toxic to plant or animal life." The Office of Environmental Services requires the use of the most recent EPA biomonitoring protocols.

Whole effluent biomonitoring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity. The biomonitoring procedures stipulated as a condition of this permit for Outfall 001 are as follows:

TOXICITY TESTS	FREQUENCY
NOEC, Pass/Fail [0/1], Lethality, Static Renewal, 48-Hour Acute, Pimephales promelas	1/year
NOEC, Value [%], Lethality, Static Renewal, 48-Hour Acute, Pimephales promelas	1/year
NOEC, Value [%] Coefficient of Variation, Static Renewal 48-Hour Acute, Pimephales promelas	1/year
NOEC, Pass/Fail [0/1], Lethality, Static Renewal 48-Hour Acute, Daphnia pulex	1/year
NOEC, Value [%], Lethality, Static Renewal 48-Hour Acute Daphnia pulex	1/year

NOEC, Value [%] 1/year
Coefficient of Variation, Static Renewal
48-Hour Acute,
Daphnia pulex

Toxicity tests shall be performed in accordance with protocols described in the latest revision of the "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms." The stipulated test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge in accordance with regulations promulgated at LAC 33:IX.2715/40 CFR Part 122.48.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen, conductivity, and alkalinity shall be documented in a full report according to the test method publication mentioned in the previous paragraph. The permittee shall submit a copy of the first full report to this Office. The full report and subsequent reports are to be retained for three (3) years following the provisions of Part III.C.3 of this permit. The permit requires the submission of certain toxicity testing information as an attachment to the Discharge Monitoring Report.

This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body. Modification or revocation of the permit is subject to the provisions of LAC 33:IX.3105/40 CFR 124.5. Accelerated or intensified toxicity testing may be required in accordance with Section 308 of the Clean Water Act.

Dilution Series

The permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests. The additional effluent concentrations shall be 0.018%, 0.024%, 0.032%, 0.043%, and 0.057% effluent. The biomonitoring critical dilution is defined as 0.043% effluent.

F. REQUESTED PERMIT CONDITIONS

1. The permittee requested that provisions be included in the final permit which allow 72 hours of downtime per month as a result of equipment maintenance or malfunction for equipment used to continuously monitor for flow and pH (Outfall 001). This Office

particially concurred with this request. Provisions have been added to Part II (Paragraphs J and K), which allow an alternative procedure for continuous monitoring of flow and pH at Outfall 001. However, these provisions will only apply to backup or auxilliary equipment used by the permittee to achieve compliance with the monitoring requirements for these parameters.

2. The permittee requested a reduction in monitoring frequency for the following parameters at Outfall 001: TOC, BOD, TSS, and TRC. Although, the permittee is eligible for a reduction in monitoring frequencies in accordance with the April, 1996, Interim Guidance for Performance-Based Reduction of NPDES Permit Monitoring Frequencies, this Office reserves the right to impose more stringent requirements than those outlined in the performance-based guidance. This Office has denied the requested frequency reductions for BOD and TSS. These pollutants are indicator parameters regulated by the OCPSF effluent guidelines. It is understood that all process wastewaters and first flush process area stormwaters are discharged by deep well injection. However, because no organic toxic parameters are monitored at Outfall 001, this Office believes that adequate testing for indicator parameters is necessary to detect any potential organic contamination in the wastewaters discharged from Outfall 001. Although this Office has retained the monitoring frequencies for BOD and TSS, this Office has reduced the monitoring frequencies for TOC and TRC to 1/ 2 months and 1/quarter, respectively.

3. The permittee requested the removal of Internal Outfall 102, and requested that this Office include the wastewaters in Outfall 001. This request is denied. In accordance with current Office procedures for permitting hydrostatic test waters, hydrostatic test waters shall be monitored internally as previously established.

IX. Compliance History/DMR Review:

A. Compliance History – The facility has no open enforcement actions.

B. DMR Review – There were no excursions for the period January 2005 – February 2008

IX. Endangered Species:

The receiving waterbodies for Rubicon LLC are Subsegment 070301 of the Mississippi River Basin and Segment 040404 of the Lake Pontchartrain Basin. Segment 040404 is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). However, Segment 070301 of the Mississippi River Basin has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, which

is listed as a threatened or endangered species. This draft permit has been submitted to the FWS for review in accordance with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and after consultation with FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon. Effluent limitations are established in the permit to ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. The more stringent of technology and water quality based limits (as applicable) have been applied to ensure maximum protection of the receiving water.

X. Historic Sites:

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

XI. Tentative Determination:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

XII. Variances:

No requests for variances have been received by this Office.

XIII. Public Notices:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the fact sheet. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

A public notice will be published in a local newspaper of general circulation and in the Office of Environmental Services Public Notice Mailing List.

XIV. Stormwater Pollution Prevention Plan (SWP3) Requirements:

In accordance with LAC 33:IX.2707.I.3 and 4[40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all stormwater discharges from the facility, either through permitted outfalls, through outfalls which are not listed in the permit or as sheet flow. The Part II condition requires implementation of a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit, along with other requirements. If the permittee maintains other plans that contain duplicative information, that plan could be incorporated by reference into the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of storm water associated with industrial activity, as defined at LAC 33:IX.2511.B.14 [40 CFR 122.26(b)(14)].

XV. TMDL Waterbodies:

Rubicon LLC/Geismar Facility discharges utility wastewaters, miscellaneous wastewaters and stormwater to the Mississippi River (Segment 070301). Segment 070301 is not listed on LDEQ's Final 2004 303(d) List, as impaired, and to date no TMDLs have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

The facility also discharges stormwater runoff, and miscellaneous wastewaters to Segment 040404 of the Lake Pontchartrain Basin. This segment is currently impaired for organic enrichment/low DO and pathogen indicators. TMDLs are scheduled for completion by March 31, 2011, with an EPA backstop date of March 31, 2012. This Office has determined that due to the nature of the discharges from Rubicon LLC's Outfalls 002, 003, 004, there is no potential to discharge pollutants that could contribute to organic enrichment or pathogen indicators at a level that could cause or contribute to further impairment of the receiving stream.

A reopener clause will be included in the permit to allow for the establishment of more stringent effluent limitations and requirements as imposed by any future TMDLs.